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MILES & STOCKBRIDGE P.C.
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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:
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WRITTEN OPINION

(PCT Rule 66)

Date of Mailing
(day/month/year)

03 AUG 2004

Applicant's or agent's file reference

T3458-808003WO01

REPLY DUE

within 2 months/days from
the above date of mailing

International application No.

PCT/US03/30033

International filing date (day/month/year)

26 September 2003 (26.09.2003)

Priority date (day/month/year)

27 September 2002 (27.09.2002)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): B24B 3/26, 28, 32 and US Cl.: 451/48, 349, 453

Applicant

PROFESSIONAL TOOL MANUFACTURING LLC

1. This written opinion is the first (first, etc.) drawn by this International Preliminary Examining Authority.

2. This opinion contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2 (a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

3. The applicant is hereby **invited to reply** to this opinion.

When? See the time limit indicated above. ~~The applicant may, before the expiration of that time limit, request this Authority to grant an extension. See rule 66.2(d).~~

How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.

Also For an additional opportunity to submit amendments, see Rule 66.4.
For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis.
For an informal communication with the examiner, see Rule 66.6

If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.

4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: 27 January 2005 (27.01.2005)

Name and mailing address of the IPEA/US

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Form PCT/IPEA/408 (cover sheet)(July 1998)

AUG 23 2004

F.S.B.B.&T.

WRITTEN OPINION

International application No.

PCT/US03/30033

I. Basis of the opinion

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed
- ☒ the description:
 pages 1-10 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- ☒ the claims:
 pages 11-16 _____, as originally filed
 pages NONE _____, as amended (together with any statement) under Article 19
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- ☒ the drawings:
 pages 1-4 _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.
- ☐ the sequence listing part of the description:
 pages NONE _____, as originally filed
 pages NONE _____, filed with the demand
 pages NONE _____, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE _____
- ☐ the claims, Nos. NONE _____
- ☐ the drawings, sheets/fig NONE _____

5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed."

WRITTEN OPINION

International application No.
PCT/US03/30033

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. STATEMENT

Novelty (N)	Claims <u>3-6, 9-12, 13-18</u>	YES
	Claims <u>1, 2, 7, 8</u>	NO
Inventive Step (IS)	Claims <u>3-6, 9-12, 17, 18</u>	YES
	Claims <u>1, 2, 7, 8, 13-16</u>	NO
Industrial Applicability (IA)	Claims <u>1-18</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1, 2, 7 and 8 lack novelty under PCT Article 33(2) as being anticipated by Bernard 5,735,732. '732, figures 5, 8, 11 and 12 discloses the claimed invention including a point-splitting port with at least one protrusion extending radially inwardly from the generally cylindrical wall, the protrusion being adapted to cooperate with a complementary-shaped recess on a cylindrical wall of a barrel of the chuck and at least one protrusion operable to preclude movement of the chuck and drill past a predetermined stop point. See column 7, lines 52 through column 8, lines 12.

Claims 13-16 lack an inventive step under PCT Article 33(3) as being obvious over Bernard '732 in view of Whipple, 2,426,478. '732 does not disclose a debris collection tube, with a vented removable cap. '478, figure 5 and column 10, lines 31 through 53, teaches tube 88 with end 89 covered with a vented removable cap 90. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided '732 with the debris collection tube and removable vented cap as taught by '478, to prevent contamination of the environment surrounding the drill sharpener.

Claims 3-6, 9-12 and 17-18 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the centering device comprising a resilient portion of the cylindrical wall and a flange protruding radial inwardly from the resilient portion; a tongue portion; two protrusions, or the debris tube adapted to be connected to a vacuum hose or arranged to form an elbow.

Claims 1-18 meet the criteria set out in PCT Article 33(4), and thus have industrial applicability because the subject matter claimed can be made or used in industry.

WRITTEN OPINION

International Application No.
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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.